

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Whitney Beber	Team: Squad #6	CCRB Case #: 201807115	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 08/04/2018 2:00 AM	Location of Incident: § 87(2)(b)	Precinct: 72	18 Mo. SOL 2/4/2020	EO SOL 2/4/2020	
Date/Time CV Reported Tue, 08/28/2018 2:50 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 08/28/2018 2:50 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Vitaliy Ionashko	19374	959704	SRG 5
2. POF Kristy Bazo	24720	962246	072 PCT
3. Officers			Unknown

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Roman Rashevskiy	16824	957989	072 PCT
2. POM Peter Ciappa	09133	959552	072 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Kristy Bazo	Abuse: Police Officer Kristy Bazo entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.POM Vitaliy Ionashko	Abuse: Police Officer Vitaliy Ionashko entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C.POM Vitaliy Ionashko	Abuse: Police Officer Vitaliy Ionashko forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
D.POF Kristy Bazo	Abuse: Police Officer Kristy Bazo forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
§ 87(2)(a) CVR § 50-b	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(a) CVR § 50-b	§ 87(2)(b)	§ 87(2)(b)
G.POM Vitaliy Ionashko	Abuse: Police Officer Vitaliy Ionashko threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
H. Officers	Abuse: Officers threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
I.POM Vitaliy Ionashko	Force: Police Officer Vitaliy Ionashko tightly handcuffed § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
J.POM Vitaliy Ionashko	Force: Police Officer Vitaliy Ionashko restricted § 87(2)(b) s breathing.	

### Case Summary

On August 28, 2018, § 87(2)(b) made the following complaint in person with the Civilian Complaint Review Board (CCRB).

On August 4, 2018, at approximately 2:00 a.m. § 87(2)(b) returned to her residence, located at § 87(2)(b) in Brooklyn, after patronizing a lounge and consuming alcohol. Approximately 20 minutes later PO Kristy Bazo and PO Vitaliy Ionashko of the 72<sup>nd</sup> Precinct, entered § 87(2)(b)'s residence and proceeded to her bedroom, where § 87(2)(b) was asleep (**Allegations A and B, Abuse of Authority**, § 87(2)(g)). PO Ionashko told § 87(2)(b) to get dressed, provided her a sweater and said that she was going to the hospital. PO Ionashko then threw her onto her bed, slammed her onto the floor, handcuffed and walked her out of the apartment (**Allegations C and D, Abuse of Authority**, § 87(2)(g)). § 87(2)(b) sat on the hallway floor and wrapped her legs around the railing on the stairs, refusing to go downstairs. PO Ionashko and PO Bazo pulled § 87(2)(b) from the railing (**within Allegations C and D**) and PO Ionashko allegedly said, "Don't make me slam you" (**Allegation E, Abuse of authority**, § 87(2)(g)). Additional officers responded and allegedly told § 87(2)(b) "I'm going to push you down the stairs," (**Allegation F, Force**, § 87(2)(g)). PO Ionashko allegedly dragged § 87(2)(b) down the stairs to the first floor (**within Allegation C**). PO Ionashko and PO Bazo allegedly did not afford § 87(2)(b) the opportunity during the incident to dress and she remained exposed in front of other officers (**Allegations G and H, Abuse of Authority**, § 87(2)(g)).

PO Ionashko brought § 87(2)(b) to an ambulance and placed her on the stretcher. PO Ionashko allegedly tightened the handcuffs (**Allegation I, Force**, § 87(2)(g)). § 87(2)(b) spat at PO Ionashko and he allegedly covered her face with a blanket (**Allegation J, Force**, § 87(2)(g)). § 87(2)(b) was transported to § 87(2)(b) as an AIDED.

No video footage was obtained for this incident. § 87(2)(g)

### Findings and Recommendations

**Allegation (A) Abuse of Authority: PO Kristy Bazo entered § 87(2)(b) in Brooklyn.**

**Allegation (B) Abuse of Authority: PO Vitaliy Ionashko entered § 87(2)(b) in Brooklyn.**

On August 4, 2018, at approximately 2:00am, § 87(2)(b) returned to her residence from a lounge where she had four shots of alcohol. Once she was home, she drank some beer, removed all her clothing and laid in bed. Approximately 20 minutes later, her roommate, § 87(2)(b), with a possible surname of § 87(2)(b), let PO Ionashko and PO Bazo into her residence and they entered her bedroom. § 87(2)(b) moved out of the residence since this incident and had no contact information for § 87(2)(b).

Attempts made to locate § 87(2)(b) were unsuccessful. A Lexis Nexis search was conducted for residents of § 87(2)(b) in Brooklyn. There were 11 results for males currently residing in that apartment, none of which had associated phone numbers or had the first name § 87(2)(b).

PO Bazo testified that officers received a call over the radio for disorderly conduct at § 87(2)(b) in Brooklyn. One of the 911 callers approached the officers in front of the building, and said a female, § 87(2)(b) was throwing beer bottles and cursing out of the bedroom window (BR 01). They told them that § 87(2)(b) lived on the second floor. PO Bazo and PO Ionashko went to

§ 87(2)(b). Two males, who identified themselves as § 87(2)(b)'s roommates, opened the door and provided officers with verbal consent to enter the residence and escorted the officers to § 87(2)(b)'s bedroom.

PO Ionashko testified that three males answered § 87(2)(b)'s apartment door. They never identified themselves or their relationship to § 87(2)(b). When the officers asked if a female resided at the residence, they pointed to a bedroom. The males confirmed that § 87(2)(b) was yelling at someone and then led the officers to § 87(2)(b)'s bedroom. Based on this consent and that PO Ionashko was concerned for § 87(2)(b)'s life as she was throwing bottles, which he said was a sign of intoxication, he entered her bedroom to confirm her well-being.

During a 911 call on August 4, 2018, at 1:10 am, a male requested officer assistance to § 87(2)(b) in Brooklyn (BR 05). The caller said that there was a “crazy lady” that lived “over there” talking “a lot of shit” and was at the window. The caller stated that female was violent. The EVENT noted that the male caller stated § 87(2)(b) was arguing with everyone at the location.

Both officers testified that they entered the residence based on consent. PO Ionashko added that his concern for § 87(2)(b)'s life, due to the throwing bottles and possibly being intoxicated, was another factor to enter the residence. Neither officer observed § 87(2)(b) throwing bottles. Moreover, the information provided by the 911 caller did not state that § 87(2)(b) needed medical attention, was suicidal or intoxicated. Though § 87(2)(b) believed that § 87(2)(b) provided consent for the officers to enter, § 87(2)(b) was in the back bedroom, intoxicated and asleep and could not attest to whether consent was granted by any resident of the apartment.

§ 87(2)(g)

**Allegation C-Abuse of Authority: PO Vitaliy Ionashko forcibly removed § 87(2)(b) to the hospital.**

**Allegation D-Abuse of Authority: PO Kristy Bazo forcibly removed § 87(2)(b) to the hospital.**

After PO Ionashko and PO Bazo entered her bedroom, § 87(2)(b) stated that PO Ionashko instructed her to get dressed and that she was going to the hospital. PO Ionashko stated that they received a call that she broke into the apartment and wanted to commit suicide. § 87(2)(b) refused to get up from the bed, objected to go to the hospital and wrapped herself in a blanket. Though she alleged that PO Ionashko threatened to drag her out, as the investigation determined that officers did use force to drag her out of the residence, this allegation was not pleaded. § 87(2)(b) was brought to the hallway, where she sat down on the floor and wrapped her legs around the railing on the stairs leading to the ground floor. PO Ionashko grabbed § 87(2)(b)'s left shoulder, left arm and pulled her from the railing, while stating, “don’t make me slam you.” PO Ionashko dragged § 87(2)(b) down the stairs leading to the first floor. § 87(2)(b) fell down the stairs due to being dragged. She landed on the left side of her face and on her left arm and then towards the bottom of the stairs. As a result, § 87(2)(b) sustained a laceration on the left side of her face and bruising to her left shoulder and left arm, left elbow and left leg. PO Bazo did not make any physical contact with her at any point.

When EMT § 87(2)(b) and EMT § 87(2)(b) arrived in front of § 87(2)(b), onlookers outside of the building informed them that § 87(2)(b) threw bottles out of the window. As officers were in the residence, EMT § 87(2)(b) waited outside the apartment until the officers restrained § 87(2)(b). After a couple of minutes, the EMTs went inside the residence and stood in

the living room. EMT § 87(2)(b) could hear § 87(2)(b) screaming from inside the bedroom. The officers asked § 87(2)(b) if she could stand and if they could remove her to the hospital. EMT § 87(2)(b) was unaware of whose decision it was to have her removed, however, he noted that it was a consensus. § 87(2)(b) remained in the bedroom for 20 minutes before the officers removed her to the hallway. § 87(2)(b) appeared intoxicated due to her disheveled hair and alcohol on her breath. Based on these reasons, EMT § 87(2)(b) believed that she was under the influence, though he could not further elaborate on what this meant. Officers repeatedly asked § 87(2)(b) to walk down the stairs of the building. However, § 87(2)(b) threw herself onto the floor. The officers pulled her by her arms, which was the extent of the force used against § 87(2)(b). § 87(2)(b) threw herself on the steps and sat down on the floor. EMT § 87(2)(b) did not see any officer use force to get § 87(2)(b) onto the floor. EMT § 87(2)(b) then went to the ambulance.

EMT § 87(2)(b) who has since resigned, was contacted by the CCRB. She refused to provide a statement.

Neighbor, § 87(2)(b) from § 87(2)(b), exited his apartment and heard officers tell § 87(2)(b) to get up. § 87(2)(b) would not walk down the stairs. PO Ionashko and PO Bazo tried to pick § 87(2)(b) up but she continued to fall back to the floor. PO Ionashko and PO Bazo held § 87(2)(b) under her arms and dragged her on her bottom down the staircase backwards. When they reached a turn in the staircase, § 87(2)(b) wrapped her legs around the railing. The officers ordered her to remove herself from the railing. PO Bazo, PO Ionashko and a third officer yanked § 87(2)(b) by her arms. § 87(2)(b) did not see how the officers ultimately were able to remove her legs from the railing. PO Ionashko and PO Bazo dragged § 87(2)(b) down the stairs.

Neighbor § 87(2)(b) of § 87(2)(b), observed PO Bazo and two other officers at the top of the stairs pulling § 87(2)(b)'s arms and legs. PO Bazo attempted to remove § 87(2)(b)'s hands from the railing. PO Bazo and the officers dragged § 87(2)(b) down the stairs while § 87(2)(b) was on her side and her head was on the wall. Three unidentified officers grabbed § 87(2)(b)'s arms and legs and dragged her. After being removed from the railing, § 87(2)(b) was handcuffed.

PO Bazo testified that when she entered the bedroom, § 87(2)(b) was nude, yelling and tried to exit through the bedroom window. PO Bazo and PO Ionashko told § 87(2)(b) that they wanted to take her to get evaluated. At this point, the EMTs were already in the apartment. PO Bazo did not know when the EMTs arrived or who called for them, but an ambulance was called for § 87(2)(b)'s safety as she tried to jump out of the window and throw bottles out of the window. § 87(2)(b) appeared intoxicated due to her red eyes, flustered skin, and smell of beer and beer bottles on the floor. § 87(2)(b) was handcuffed for her safety as she attempted to jump out of the window and needed to be evaluated by the EMTs. PO Bazo did not know who made the decision to remove § 87(2)(b) to the hospital and did not remember a supervisor on the scene at this point. When PO Bazo exited the apartment, § 87(2)(b) sat on the staircase with her legs wrapped around the railing. She did not remember what PO Ionashko was doing. The officers told § 87(2)(b) to walk down the stairs. PO Bazo grabbed § 87(2)(b)'s arm and an officer removed her legs from the railings. PO Bazo did not nor did she see another officer drag § 87(2)(b) down the stairs. After § 87(2)(b) was unwrapped from the bannister, § 87(2)(b) willingly walked down the stairs.

PO Ionashko testified that when they entered the bedroom, § 87(2)(b) was asleep. They woke § 87(2)(b) up but she did not want to go to the hospital. The officers called an ambulance to check on § 87(2)(b)'s level of intoxication. She appeared intoxicated due to her slurred speech, blood shot and watery eyes and the fact there were a lot of beer bottles around. § 87(2)(b) got up

from the bed and attempted to leave the bedroom via the fire escape. They told § 87(2)(b) that if the EMTs said she was okay, then she would not have to go to the hospital. § 87(2)(b) began to flail her arms, and tried to run away through the window. PO Ionashko and PO Bazo grabbed her arms and handcuffed § 87(2)(b). She kicked at PO Bazo but the officers never used any other force. § 87(2)(b) was never on the floor, was never thrown on the bed or slammed to the floor. Once PO Ionashko saw through the window that an ambulance arrived, he began to walk § 87(2)(b) out the building. § 87(2)(b) was passively resisting down the staircase by sitting on the floor and wrapping her legs around the railing. PO Ionashko did not remember if there was a struggle between the officers and § 87(2)(b). He could not remember if § 87(2)(b) was dragged down the stairs or if she walked on her own.

Civilian testimony confirmed that additional officers responded to the scene and assisted with the forcible removal. However, as the decision to forcibly remove § 87(2)(b) to the hospital was already made by PO Ionashko and PO Bazo, their testimony was not obtained.

PO Ionashko completed the corresponding Aided Report, which noted that § 87(2)(b) was unable to care for herself, verbally threatened others, and was suspected of being under the influence of alcohol (BR 11). The Prehospital Care Report noted that the ambulance was dispatched because of drug or alcohol abuse. § 87(2)(b) was in police custody upon EMT's arrival. § 87(2)(b) was uncooperative and aggressive. She appeared intoxicated and had no signs of injury, trauma or bleeding (BR 06).

§ 87(2)(b)'s medical records noted that § 87(2)(b) was aggressive towards staff, spat and attempted to strike herself when she was handed off (BR 06). There were no obvious signs of trauma or injuries noted. § 87(2)(b) was brought to the hospital after ethanol alcohol intoxication and being aggressive.

An emotionally disturbed person as someone who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which an officer reasonably believes is likely to result in serious injury to himself or others. An emotionally disturbed person may be taken into custody when an officer reasonably believes that the person in conducting himself in a manner likely to result in serious injury to himself or others. Patrol Guide Section 221-13 (BR 12). Officers are required to render reasonable aide to sick or injured person. Request an ambulance or doctor, if necessary. Patrol Guide Section 216-01 (BR 13).

The investigation determined that after officers entered the residence, they continued to § 87(2)(b)'s bedroom to conduct a wellness check on her. § 87(2)(g)

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§ 87(2)(g)

§ 87(2)(g) [REDACTED]

[REDACTED]

**Allegation E-Abuse of Authority: PO Vitaliy Ionashko threatened § 87(2)(b) with the use of force.**

**Allegation F-Abuse of Authority: Officers threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) stated that as she was being taken down the stairs, she wrapped her legs around the railing. PO Ionashko grabbed § 87(2)(b) and told her, “You don’t live here. Don’t make me slam you.” § 87(2)(b) then stated that officers threatened to “push her down the stairs.”

§ 87(2)(g) [REDACTED]

§ 87(2)(a) CVR § 50-b, § 87(2)(g) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(2)(g)

**Allegation I-Force: PO Vitaliy Ionashko tightly handcuffed § 87(2)(b)**

**Allegation J-Force: PO Vitaliy Ionashko restricted § 87(2)(b)'s breathing.**

§ 87(2)(b) stated that after she was placed inside of the ambulance, she complained the handcuffs were too tight. PO Ionashko then tightened the handcuffs which caused a laceration on § 87(2)(b)'s left wrist. § 87(2)(b) responded by spitting at PO Ionashko. PO Ionashko then covered her face with a blanket. § 87(2)(b) stated she could not breathe and would file a complaint against him. She requested that he remove the blanket. PO Ionashko then laughed and questioned how she could speak if her breathing was restricted. The blanket remained on her face for four minutes.

EMT § 87(2)(b) stated that § 87(2)(b) was spitting and a 95-mask was put over her face. (The 95-mask looked like a surgical mask). EMT § 87(2)(b) was seated in the driver seat of the ambulance and never saw an officer cover § 87(2)(b)'s face with a blanket or see any officer tighten the handcuffs on § 87(2)(b). EMT § 87(2)(b) would have been in the back of the ambulance, however she did not want to provide a statement to the CCRB.

PO Ionashko stated that § 87(2)(b) was placed in the ambulance and seated on a stretcher. She was kicking and spitting but he did not remember covering § 87(2)(b)'s face with a blanket or holding a blanket over her face. He did not remember if § 87(2)(b) ever complained of having trouble breathing. § 87(2)(b) was given a spit mask in the ambulance.

§ 87(2)(b)'s medical records note that § 87(2)(b) was aggressive towards staff, spitting and attempting to strike herself when she was handed off. There were no obvious signs of trauma or injuries noted.

§ 87(2)(g)

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 12).
- PO Ionashko has been a member of the NYPD for three years and this is the first CCRB complaint to which he has been a subject.
- PO Bazo has been a member of the NYPD for two years and this is the first CCRB complaint to which she has been a subject.



**Mediation, Civil and Criminal Histories**

- This case was not suitable for mediation.
- § 87(2)(b), § 87(2)(c) (impair contract awards or CBAs)
- A Notice of Claim was requested from the New York City Comptroller's Office and will be added to the case file upon receipt.

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_

Signature	Print Title & Name	Date
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Squad Leader: \_\_\_\_\_

Signature	Print Title & Name	Date
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Reviewer: \_\_\_\_\_

Signature	Print Title & Name	Date
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